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S E C R E T SECTION 01 OF 04 KUWAIT 003033

SIPDIS

STATE FOR NEA/ARP, NEA/NGA SA/INS, DRL/PHD, DRL/ILA, G/TIP
STATE FOR CA/OCS/ACS/NESA, M/P FOR JAY ANANIA
MANILA FOR PAUL O'FRIEL
NEW DELHI FOR LAUREN HOLT

E.O. 12958: DECL: 09/08/2014

TAGS: [ELAB](#) [MOPS](#) [PREL](#) [PHUM](#) [ETRD](#) [EAID](#) [KU](#) [IZ](#)

SUBJECT: IRAQ TRAVEL BAN: NEPAL ENFORCES BAN ON ITS
NATIONALS, US MILITARY PROVIDES WELFARE ASSURANCES

REF: A. KUWAIT 2496

[B](#). KUWAIT 2569 (NOTAL)

[C](#). KUWAIT 1835

[D](#). KUWAIT 1683

Classified By: Charge d'Affaires Matthew H. Tueller, Reasons
1.4(a) and (b)

[1](#)1. (C) SUMMARY. Following the murder of 12 Nepali workers in Iraq, Nepal is enforcing a travel ban to prevent its nationals from entering Iraq. US military officials and emboffs briefed Nepalese Charge Lok Bahadur Thapa on security and welfare provisions for Nepalis traveling in US military convoys, seeking an exception to the ban. However, Thapa was clear that it was non-negotiable in the short-term, with the Government of Nepal feeling "very vulnerable" in the wake of the anti-Muslim unrest that has unfolded in Nepal. Thapa intimated that the loss of hundreds of Nepali jobs in Iraq was a small price to pay to bolster stability in Nepal. The Nepalese ban has hit US military heavy lift contractors IAP and Al Hamada particularly hard: twenty percent of IAP's 250 drivers and seventy-five percent of Al Hamada's 450 drivers are Nepali. Post has disseminated a letter to concerned embassies that outlines new US military contract provisions for ensuring TCN workers' welfare, to help persuade these governments to allow their nationals traveling in US military convoys to enter Iraq. END SUMMARY.

(U) NEPAL ENFORCES IRAQ TRAVEL BAN

[1](#)2. (SBU) Following the murder of twelve Nepali workers in Iraq, the Government of Nepal has begun enforcing a pre-existing travel ban prohibiting Nepalis from entering Iraq. Nepal's Charge d'Affaires Lok Bahadur Thapa, resident in Saudi Arabia but accredited to Kuwait, met on September 6 with emboffs and Coalition Forces Land Component Command (CFLCC) representatives to discuss the ban. The CFLCC delegation, led by Brigadier General William Johnson, gave Thapa a briefing on convoy security measures that the US military has put into place, (NOTE. This was similar to the Ref A briefing CFLCC delivered on August 5 to representatives from the Indian and Philippines' embassies. END NOTE.) BG Johnson stressed that since convoy security measures were upgraded in April, no foreign national worker has been kidnapped or killed while traveling in a US military-escorted convoy. He also described the steps CFLCC has taken to ensure the welfare of foreign nationals working for US military contractors (Ref B). In light of these provisions, BG Johnson urged Thapa to except Nepalis entering Iraq in US military convoys from the travel ban.

[1](#)3. (C) While he promised to convey these points to Kathmandu, Thapa was quite clear that the ban was non-negotiable, at least in the short-term. Thapa said that following the killings, the Government of Nepal (GON) was heavily criticized at home for not enforcing its Iraq travel ban. According to Thapa, the GON assumed that Nepalis would not be targeted in Iraq because Nepal had no direct involvement in the war; however, he said, the GON now believes that Nepalis have been lumped in with "Americans, Christians and Jews" in the insurgents' minds. Consequently, the GON has instructed all Nepalese embassies in the Middle East to approach friendly host governments and request that they assist in preventing Nepalis from entering Iraq. Thapa said that the GON is feeling "very vulnerable", and its primary objective is to quell the anti-Muslim protests and vandalism that have rocked Nepal this past week, and which threaten domestic security and the safety of Nepalis working in Muslim countries (who, Thapa said, might be targeted for reprisal acts of violence). Thapa intimated that the loss of hundreds of Nepali jobs in Iraq was a small price to pay to bolster stability in Nepal.

[1](#)4. (S) With the imposition of the Nepalese ban, US military contractors who rely on third-country national (TCN) drivers to ferry supplies and equipment for OIF and Iraq reconstruction activities are scrambling. Heavy lift contractors IAP and Al Hamada, who deploy and redeploy equipment and provide general supplies to MNF-I, have been

particularly hard hit by this latest ban: twenty percent of IAP's 250 drivers and seventy-five percent of Al Hamada's 450 drivers are Nepali. CFLCC contracting officers have instructed them to replace their Nepali employees at once; they estimate that it may take as long as one month before contractors are at full strength. Meanwhile, the pool of countries permitting their nationals to work in Iraq is ever-dwindling. The Governments of India, the Philippines, Kenya, Sri Lanka and Thailand are actively enforcing Iraq travel bans; according to the contractors, Bangladesh and Pakistan are considering bans.

(U) US MILITARY PROVISIONS FOR TCN WORKERS' WELFARE

15. (SBU) In an effort to persuade countries with bans in place to allow an exception for their nationals traveling in US military convoys, post has disseminated a CFLCC letter outlining new US military contract provisions that improve TCN workers' welfare (text in para 6). These changes were undertaken to rectify shortcomings that the Embassy of India said compelled the Indian Government to impose its first Iraq travel ban in May (Refs C and D). Post has also forwarded this letter to embassies that might be considering a travel ban (Bangladesh and Pakistan) and to those embassies whose nationals factor heavily into US military contractors' operations (Egypt and Turkey). In a cover letter stressing that no TCN in a military convoy has been kidnapped or killed for five months, post asks that the countries permit their citizens who are traveling under US military escort to enter Iraq.

16. (SBU) BEGIN TEXT OF LETTER

Office of the Deputy Commanding General
Department of the Army, Coalition Land Forces Component
Command

August 30, 2004

Matthew H. Tueller
Charge d'Affaires
Embassy of the United States of America
Kuwait, State of Kuwait

Dear Mr. Tueller

As you know, our staff has worked diligently to address each of the concerns raised by the Indian Government during the 28 May 2004 meeting at the Indian Embassy (see enclosure). Subsequent coordination with our contractors achieved a mutual understanding as to both their responsibilities and our with respect to Indian and all foreign national drivers that must travel from Kuwait to Iraq under a U.S. Government contract.

Consequently, we have taken the following actions to address those issues and concerns:

- a. Incorporated Private Sector Labor Laws of the State of Kuwait into contract, and extend applicability to cover employees while in Iraq.
- b. In accordance with those laws, required contractors to incorporate use of employment contracts with every employee.
- c. Required contractors maintain and update a list of driver employees to include name, nationality, passport number, civil ID number, and name of sponsor; to be provided to the respective embassy of each nationality employed.
- d. Included same information (as noted paragraph c. above) along with contract number and telephone numbers to contractor and contracting officer on a company identification badge for each employee.
- e. Required that contractors incorporate life insurance for workers in Iraq in the amount of 10,000 KWD minimum, payable to an individual designated by employee.
- f. Required that contractors pay a minimum monthly wage in the amount of 140 KWD, and make electronic funds transfer of wages available to each employee.
- g. Required minimum incentive pay in the amount of 5 percent of monthly wage for any month that includes a mission in Iraq.
- h. Required contractors to provide information on employees that are killed in action (KIA), wounded in action (WIA), or missing in action (MIA) to the Contracting Officer, the respective embassy and the next of kin.
- i. Ensured that contractors developed some package of compensation for workers already killed or injured in Iraq.

j. Ensured that contractors adhere to basic standards of billeting and hygiene in worker housing.

Please convey to the Indian Ambassador our pledge to continue to address his concerns, which are also our concerns. Furthermore, we will continue to work with all parties involved to ensure that all countries' foreign national employees working for our contractors are provided with no less than the agreed upon benefits and rights.

Sincerely,
Gary D. Speer
Major General, US Army,
Deputy Commanding General, Operations

ENCLOSURE:

MEMORANDUM FOR THE RECORD
SUBJECT: CFLCC Meeting with Indian Embassy Officials

1. On 28 May 2004, MG Stephen Speakes (CFLCC DCGO), COL Leonard Dodd (OMCK), COL Martin Stanton (CFLCC-C9), COL Carol Claire (CFLCC-C4) and Dr. Catherine Sweet (AMEMB Econ Officer) met with officials at the Indian Embassy in Kuwait City and discussed the following issues:

a. That workers were being hired in India under the false pretenses of working only in Kuwait and that those individuals had to pay up to \$1500 USD in order to obtain jobs. Once in Kuwait the newly hired workers would be told that they would be driving in Iraq and were not returned their \$1500 USD if they declined this work and returned to India.

b. That Indian citizens employed by contractors working for the Coalition Forces were being forced to drive into Iraq against their will.

c. That Indian nationals working in Iraq were not covered under life insurance as foreign workers who work in Kuwait are covered under Kuwaiti labor laws.

d. That a number of Indian nationals have already been killed or injured in Iraq and there has been no compensation to their families.

e. That Indian nationals are not offered incentive pay for operating in a dangerous environment. Also, that employees should be offered the opportunity to electronically transfer pay to accounts in India.

f. That the Indian embassy has had difficulty in repatriating the remains of Indians killed in Iraq while serving as contract employees due to the lack of cooperation from contractors in providing documentation and sponsorship information.

g. That the Indian embassy is not receiving sufficient cooperation from contractors in accounting for and documenting the Indian national workers in their employ.

h. That Indian citizens in the employ of the contractors supporting the Coalition Forces in Iraq sign affidavits of release upon entering employment stating that they undertake to work in Iraq of their own free will, and that copies of these affidavits or statements be provided to the Indian embassy.

i. There were also concerns voiced about the living conditions in which the subcontractors allowed their workers to exist.

2. POC for this memorandum is the undersigned.

Louis G. Yuengert
Colonel, GS
Deputy Chief of Staff

END TEXT OF LETTER

7. (U) Baghdad minimize considered.
TUELLER